IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2195 OF 2005
IN
APPEAL NO.355 OF 1997
IN
SUIT NO.1372 OF 1994

Ravindra M. Dongre Applicant

versus

Central Bank of India Respondent

Mr.V.Pai i/by M/s.N.L.Makhijani & Co. for applicant.

Ms.Swati Deshpande i/by M/s.Budhanwalla & Co. for respondent.

CORAM : DR.S.RADHAKRISHNAN AND
S.C.DHARMADHIKARI, JJ.

DATE : 9th September 2005

PC :

1. Heard learned counsel for the applicant and the respondent bank. After hearing both the parties for some time, learned counsel for applicant seeks leave to withdraw the present Notice of Motion with liberty to move the Debts Recovery Tribunal, Mumbai for the reliefs prayed in this Notice of Motion. Learned counsel for the applicant also states that the applicant is not desirous of proceeding with his suit for

specific performance filed in this Court, and he is also desirous of surrendering the Gala upon receipt of Rs.40.00 lakh (Rs.Forty lakh only). Pursuant to the order dated 25th April 1997, Rs.40.00 lakh has been deposited by the applicant with respondent bank. Learned counsel for the applicant states that the applicant be allowed to make an application for the reliefs claimed in this Notice of Motion before the Debt Recovery Tribunal.

2. We grant liberty to the applicant to make such an application before the Debts Recovery Tribunal, Mumbai. We also make it clear that the Debts Recovery Tribunal while considering the said application, shall not be influenced by it's earlier order passed on 28th October 2004. All contentions of both the parties are kept open. Parties to act on an authenticated copy of this order duly issued by registry.

(DR.S.RADHAKRISHNAN, J.)

(S.C.DHARMADHIKARI, J.)